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ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 300
[FRL-5458-9]****National Oil and Hazardous Substances Contingency Plan National Priorities List****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice of deletion of Lee's Lane Superfund Site, Louisville, Kentucky from the National Priorities List.**SUMMARY:**

The U.S. Environmental Protection Agency (EPA) announces the deletion of the Lees Lane Superfund Site in Louisville, Kentucky, from the National Priorities List (NPL), which is Appendix B of 40 CFR Part 300 of the National Oil and Hazardous Substances Contingency Plan (NCP). EPA and the Commonwealth of Kentucky have determined that all appropriate Fund-financed responses under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, have been implemented and that no further cleanup is appropriate. Moreover, EPA and the Commonwealth of Kentucky determined that response actions conducted at the site to date have been protective of public health, welfare, and the environment.

EFFECTIVE DATE:

May 1, 1996.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

The site to be deleted from the NPL is: Lees Lane Landfill Superfund Site, Louisville, Kentucky.

A Notice of Intent to Delete for this site was published on May 16, 1988 (SW-FRL-3380-7). A Revised Notice of Intent to Delete was published on February 14, 1992 (FRL-4102-6). The closing date for comments on the Revised Notice of Intent to Delete was March 16, 1992. EPA received two comment letters, one from the Kentucky Resources Council (KRC) and the other from the Kentucky Natural Resources and Environmental Protection Cabinet (KNREPC). The KRC expressed its opposition to the Site's deletion stating that the remedy was not fully protective of the environment. EPA responded that the selected remedy protected human health and the environment by mitigating human exposures to contaminated Site media, and reducing continued uncontrolled releases to the environment. The KNREPC stated in its letter that the drums of hazardous waste which were

discovered and removed from the Site in March 1992 by KNREPC were apparently left from the original disposal activities but had not been addressed by EPA's response action. EPA replied that such drums were likely placed there in the months preceding their discovery, and were not left on the Site at the close of EPA's response actions, or during the conduct of O&M activities. The KRC and the KNREPC expressed in their respective letters that the scope of waste disposal activities were never fully characterized at the Site. EPA responded that the estimated volume of waste buried at the Site was 2,400,000 yd³. EPA also explained the basis for this estimate, and how the Site was characterized. These comments and EPA's responses are documented in more detail in the Responsiveness Summary which is available through the EPA Region 4 public docket located at EPA's Region 4 Office, 345 Courtland, St, N.E., Atlanta, Ga., 30365.

EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action in the future. Section 300.425(e)(3) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: March 25, 1996.

Phyllis P. Harris,
Acting Regional Administrator, USEPA Region 4.

For the reasons set out in the preamble, 40 CFR part 300 is amended as follows:

PART 300--[AMENDED]

The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601-9657; E.O. 12777, 56 FR 54757; 3 CFR 1991 Comp., p.351; E.O. 12580, 52 FR 2923; 3 CFR, 1987 Comp., p. 193.

Appendix B--[Amended]

2. Table 1 of appendix B to part 300 is amended by removing the site Lees Lane Landfill, Louisville, Kentucky.

[FR Doc. 96-10100 Filed 4-24-96; 8:45 am]

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